

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:09CR457
	)	
v.	)	
	)	
SARA JARRETT,	)	MEMORANDUM OPINION
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the motion of defendant Sara Jarrett to vacate, set aside or correct her sentence (Filing No. [1400](#)).

This is not the first motion defendant has filed pursuant to 28 U.S.C. § 2255. *See United States of America v. Jarrett*, 8:09CR457, 2014 WL 2215909 (D. Neb. May 29, 2014). Thus, the defendant's current § 2255 motion constitutes a "second or successive motion" within the meaning of 28 U.S.C. § 2255. 28 U.S.C. § 2255(h); *see United States v. Nicholson*, 231 F.3d 445, 454 (8th Cir. 2000); *see also United States v. Allen*, 157 F.3d 661, 664 (9th Cir. 1998); *Vancleave v. Norris*, 150 F.3d 926, 927-29 (8th Cir. 1998).

A petitioner seeking to file a second or successive § 2255 motion challenging their conviction or sentence must first obtain circuit court certification. 28 U.S.C. § 2255(h); *United States v. Echerivel*, 500 F. App'x 568 (8th Cir. 2013). Because

the defendant has not received approval from the Eighth Circuit to file a second or successive § 2255 motion, the Court lacks jurisdiction over her claims. *Id.* Lacking jurisdiction, defendant's motion will be denied without prejudice. A separate order will be entered in accordance with this memorandum opinion.

DATED this 24th day of July, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court